

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1891.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 12185.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 12185) for the relief of William G. Tidwell, have had the same under consideration and report it back favorably amended, so as to direct that the honorable discharge bear date June 30, 1863.

Your committee reported a bill (S. 4376) for the relief of Tidwell at the first session of the present Congress (S. Rep. 1929), which was as follows, based on the report submitted by the record and pension bureau of the War Department, hereto annexed, marked "A."

The petitioner Tidwell, according to the records of the War Department, enlisted as a private in Company E, Seventh Illinois Cavalry, in Alabama, September 1, 1862, to serve 3 years, being a resident of that State. He appears to have served faithfully until December 11, 1863, when he was sent to general hospital at Oxford, Miss., and thence to general hospital at Holly Springs December 22, 1863.

The only additional record which the War Department has of Tidwell is that he enlisted in Company A, First Alabama Cavalry, on the 15th of January, 1864, in which it is admitted he served faithfully until October 20, 1865, when he was mustered out. On this record the petitioner was marked as a deserter. He applied to the War Department on affidavits for a removal of this charge, but it was denied on the ground that the enlistment by Tidwell in the First Alabama Cavalry without a discharge from the Seventh Illinois Cavalry was a violation of the fiftieth Article of War, and because the period of petitioner's absence from service having exceeded 4 months the Department had no power, under the act of March 2, 1889, to grant the relief prayed for.

The only real question is, was the said Tidwell a deserter in fact. He testifies under oath concerning his absence as follows: That in his transfer to the hospital at Holly Springs, Miss., while he was ill with measles, he was placed on the top of a box-car and took cold and suffered a relapse and remained in the hospital nearly 2 months and until after the Federal forces at this point had fallen back 3 or 4 miles; that the physician gave him a pass to reach the lines and his regiment, and on his way he was captured by the Confederates, who sent him to Guntown, Miss., where he was paroled, and he then went to his home in Marion County, Ala., remaining a couple months, when he started to return to his command, and while en route was informed that he could not reach it, when he went to Winston County, Ala., where he remained 2 months, when he again started for his regiment but was again captured by the Confederates near Leighton, Ala.; that he was forced into the Confederate service, and because he refused to do duty he was "swapped off" to another Confederate regiment, the officers in which refusing to receive him gave him a pass back to the original Confederate regiment in which he had refused to do duty. This pass, he asserts, he used to return through the lines to Camp Davis, where the Federal forces were stationed. On reaching the Federal camp he was informed by officers and comrades that his regiment, the Seventh Illinois Cavalry, had been mustered out, whereupon the petitioner enlisted in the First Alabama Cavalry. He states also that he was illiterate and unable to read or write, and did not understand military rules; that he did not get a discharge nor any pay for his services in the Seventh Illinois, nor for a horse furnished.

There is no evidence to contradict these verified averments, and the reputation of the petitioner for truth and veracity are vouched for by A. B. Hayes, probate judge of Cullman County, Ala., and by Hiram Adkins, a deputy sheriff. It also appears from the sworn evidence of Samuel E. Lee and John W. Suits, members of Company A, First Alabama Cavalry, that the petitioner arrived at Camp Davis and enlisted in said regiment about January 13, 1864, after being informed in their presence by some comrades of the Seventh Illinois and others that said latter regiment had been mustered out; three of his old comrades having joined the First Alabama Cavalry. Suits and Lee are vouched for as reliable, reputable men.

On these statements your committee are of the opinion that the prayer of the petition should be granted and they accordingly report the bill back and recommend its passage.

A.

Case of William G. Tidwell, late of Company E, Seventh Illinois Cavalry.

William G. Tidwell, private Company E, Seventh Illinois Cavalry, was enrolled and mustered in at Courtland, Ala., September 1, 1862, to serve 3 years, and is reported on the muster rolls of the company as follows: October 31, 1862, present; December 31, 1862, February 28, and April 30, 1863, "sent to general hospital at Oxford, Miss., December 11, 1862;" June 30, 1863, "supposed to be in camp at La Grange, Tenn.;" August 31, 1863, "absent, sick, dismounted since June 30, 1863;" October 31, 1863, "date of last payment unknown; dismounted since June 30, 1863; supposed to have deserted;" December 31, 1863, "missing since sometime in June, last heard from while in hospital at Oxford, Miss.;" April 30, 1864, "deserter or dead, heard from last while in hospital at Oxford, Miss.;" muster out roll of company, dated October 15, 1864, "deserted from general hospital; no date ever furnished."

The hospital records show him admitted to the regimental hospital of Fourth Illinois Cavalry on December 11, 1862, complaint, rubecula, and sent to general hospital December 22, 1862; remarks, sent to general hospital at Holly Springs, Miss. There is no further hospital record found.

The company descriptive book reports him "missing from general hospital at Oxford, Miss., on the — day of —, 1863."

The next official record of this man is on January 15, 1864, on which date, while a deserter from Company E, Seventh Illinois Cavalry, he enlisted in Company A, First Alabama Cavalry Volunteers, to serve 3 years, in violation of the twenty-second (now fiftieth) article of war, and served faithfully in the latter organization until October 20, 1865, on which date he was mustered out with company.

On July 7, 1890, Hon. A. S. Paddock, United States Senate, submitted the following testimony with a view to the removal of the charge of desertion against this soldier:

In an affidavit executed June 18, 1890, the claimant declares that while a member of Company E, Seventh Illinois Cavalry, and stationed near Oxford, Miss., he contracted measles, was sent to hospital in Oxford, Miss., and thence to a hospital in Holly Springs, Miss., at which latter place he had a relapse and remained sick nearly 2 months; that he was then given a pass and started to rejoin his command, reported to be about 3 miles from Holly Springs, and while en route was captured by the rebels, carried to Guntown, Miss., delivered to General Armstrong, and by him paroled; that he then went to his home in Marion County, Ala., remained there about 2 months, and then made another attempt to join his regiment (this sometime in the winter of 1863-'64), but while en route thither was again captured by Confederates near Leighton, Ala.; that he was taken to Courtland, Ala., forced into the rebel service, and carried to or near Nashville, where an engagement was had and he refused to fight; that he was "then swapped," without his knowledge, to the Eighth Confederate, but the lieutenant, upon learning that he (claimant) had been exchanged without his consent, gave him a pass for the purpose of returning to the company from which he had been transferred; that he used the pass to get through the lines to Camp Davis, and on the day after his arrival at the latter place he enlisted in the First Alabama Cavalry, but not until he had been informed by some of his comrades whom he found at Camp Davis, and Captain Hines of Company A, First Alabama Cavalry, that his company (E, Seventh Illinois Cavalry) had been mustered out of service; that he was illiterate, unable to read or write, and ignorant of military laws, and did not know what course to pursue; that on this account he did not get a discharge; that he never received any pay for the service rendered in the first organization or for the horse which he furnished; that he never deserted his company or his country. He further swears that General Roddey was in command of the rebel troops at or near Courtland, Ala., where claimant was taken when captured the second time.

Hiram Adkins, deputy sheriff of Cullman County, Ala., in affidavit executed June 18, 1890, declares that he has known the claimant for about 20 years, and has good reason to believe that all the foregoing statements by the claimant are true.

A. B. Hays, late sergeant-major, Second Tennessee Mounted Infantry Volunteers, and now judge of probate court of Cullman County, Ala., swears June 19, 1890, that he has known and met the claimant many times during about 20 years past, and from statements which he has heard claimant and claimant's friends often make affiant believes that the foregoing affidavit is substantially true and correct.

(The prisoners of war records furnish no evidence of alleged capture.)

On July 8, 1890, Hon. A. S. Paddock was informed by letter from this Department that the enlistment of this man in the First Alabama Cavalry without a discharge from the Seventh Illinois Cavalry, which was retained in service until November 4, 1865, was a violation of the twenty-second (now fiftieth) article of war, and as the period of his absence from the service between desertion and reenlistment exceeded 4 months, the Department has no power, under existing law (act approved March 2, 1889), to afford him any relief.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army

RECORD AND PENSION DIVISION, *January 31, 1891.*

The SECRETARY OF WAR.

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